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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,228	06/05/2006	Nigel Buckley	CCALL.00003	3779
22858	7590	08/24/2007	EXAMINER	
CARSTENS & CAHOON, LLP			SCHILLER, ALINA	
P O BOX 802334				
DALLAS, TX 75380			ART UNIT	PAPER NUMBER
			3609	
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			08/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,228	BUCKLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alina Schiller	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18-20 is/are allowed.
- 6) Claim(s) 1-4 and 9-13 is/are rejected.
- 7) Claim(s) 5-8 and 14-17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/01/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: in page 7, line 4, the phrase "I-beams" is missing after "pair of"; line 6, "I-beams" is missing before "could"; line 22, "62" is missing before "64"; in page 10, line 7, "be" is missing in combination with "will", to indicate future tense; line 9, use of metric (SI) units, i.e. "4000-Kg" should be followed by the equivalent English units (MPEP 608.01[R-5] IV); line 17, "8" is missing after "Fig."; "e" after "Fig. 7" should be deleted.

Appropriate correction is required.

### ***Claim Objections***

Claims 3, 4, 5, and 20 are objected to since there is insufficient antecedent basis for the limitation "said movement". The limitation "said movement" is recited in lines 1, 1, 2, and 2 respectively.

Claim 8 as it depends from claims 1-5 and 7 is objected since there is insufficient antecedent basis for the limitation "said pair of ground engaging beams". The limitation "said pair of ground engaging beams" is recited in line 3.

Claim 18 is objected to because of the use of "(s)" in lines 5 and 7. The examiner suggests replacing it with "at least one".

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

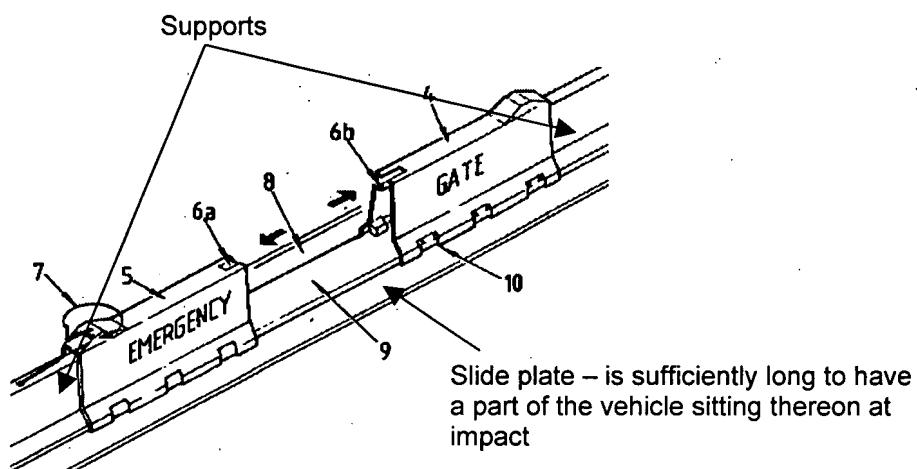
**Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller 5,547,310 or McDowell 4,759,606.**

Regarding claim 1, Muller or McDowell discloses a vehicle barrier system (1, Fig. 1 of Muller; as seen in Fig. 1 of McDowell) including a barrier movable between an open position to allow vehicle access therethrough and a closed position (as seen in Fig. 1 of Muller and Fig. 1 of McDowell) which prevents vehicle access therethrough, said barrier being attached to barrier supports (12, Fig. 1 of Muller; 20, 24, Fig 1 of McDowell) at either end of said barrier, said barrier supports being secured to a slide plate (11, Fig. 4 of Muller; 19, 23, Fig. 1 of McDowell). The examiner notes that the slide plate will inherently slide after a predetermined force is applied thereto by vehicle impact with said barrier to absorb the impact energy of said vehicle. The examiner further notes that the open position of the barrier is obtained when the barrier is removed from the roadway or is in storage.

Regarding claim 9, Muller or McDowell discloses a barrier that allows structural deformation to occur to absorb impact forces, since deformation is an inherent material property.

**Claims 1-4, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al 5,181,794.**

Regarding claim 1, Wilson discloses a vehicle barrier system (1, Fig. 1) including a barrier movable between an open position (as seen in Fig. 2) to allow vehicle access therethrough and a closed position (as seen in Fig. 1) which prevents vehicle access therethrough, said barrier being attached to barrier supports (as seen in the modified picture below) at either end of said barrier, said barrier supports being secured to a plate (as seen in the modified picture below). The examiner notes that upon a vehicle impact with the barrier, the plate inherently slides and sliding of the plate allows for absorption of impact energy.



Regarding claim 2, the slide plate is sufficiently long to have a part of said vehicle sitting thereon at impact (as seen in the modified picture above).

Regarding claims 3 and 4, the movement of said slide plate is controllable by one or more of a group as claimed in claim 4, namely at least one further slide plate (8, Fig. 2) attached to said slide plate.

Regarding claim 9, Wilson discloses the barrier allows structural deformation to occur and absorb impact forces, since deformation is an inherent material property of an impact absorbent material (see also col. 2, lines 62-66).

Regarding claim 12, the barrier can be slid open into said open position and slid closed into said closed position (as seen in Figs. 1 and 2).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al 5,181,794 in view of McCain et al 6,119,399.**

Wilson discloses a vehicle barrier system as previously set forth, but fails to disclose that said barrier can be raised into said open position and lowered into said closed position. McCain teaches a barrier that can be raised into an open position and lowered into a closed position (as seen in Figs. 1 and 2; Abstract), stating that lift gates have been widely used wherever the ground area devoted to a gate was to be

minimized, thereby permitting use in cramped areas (col. 1, lines 14-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle barrier system of Wilson to have the barrier able to be raised into an open position and lowered into a closed position, similar to that of McCain, to permit use in cramped areas, as taught by McCain.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al 5,181,794 in view of Dickinson 6,382,869.**

Wilson discloses a vehicle barrier system as previously set forth, but fails to disclose said barrier can be pivotally lowered into said open position and pivotally raised into said closed position. Dickinson teaches a barrier that can be pivotally lowered into an open position and pivotally raised into a closed position (as seen in Figs. 1 & 2), stating that the system is a freely deposited traffic way controller of integral construction, the barrier being comprised primarily of cost effective indestructible parts together with several expendable parts (col. 4, lines 21-23; 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle barrier system of Wilson to have the barrier able to be pivotally lowered into an open position and pivotally raised into a closed position, similar to that of Dickinson, in order to obtain a barrier comprised primarily of cost effective indestructible parts together with several expendable parts, as taught by Dickinson.

**Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al 5,181,794 in view of Longo 5,592,717.**

Wilson discloses a vehicle barrier system as previously set forth, but fails to disclose that said barrier includes a first and second barrier pivotally attached at their opposing ends and said barriers can be pivotally swung from their opposing ends into said open position and pivotally swung closed into said closed position. Longo teaches a barrier (10, Fig. 1), which includes a first (12, Fig. 1) and second barrier (12, Fig. 1) pivotally attached at their opposing ends, and that the barriers can be pivotally swung from their opposing ends into an open position and pivotally swung closed into a closed position (col. 1, lines 11-14; col. 2, lines 47-52; col. 3, lines 30-33; as seen in Fig. 1). Longo states that the gate swings in such a way as to clear the path as the gate is swung between a closed position and an open position (col. 1, lines 18-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle barrier system of Wilson to include a first and second barrier pivotally attached at their opposing ends, so that the barriers can be pivotally swung from their opposing ends into an open position and pivotally swung closed into a closed position, in order to clear the path as the gate is swung between the closed and open positions, as taught by Longo.

***Allowable Subject Matter***

**Claims 5-8 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Claim 8 is objected to as it depends from claim 6.

**Claims 18-20 are allowed.**

***Conclusion***

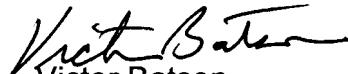
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina Schiller whose telephone number is (571)270-3088. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM EST, Alternate Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571)272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3600

AS  
8/17/2007